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12-14-2021

In Re: Carlo Amato

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 21-2789

IN RE: CARLO AMATO,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the District of New Jersey
(Related to D.N.J. Civ. No. 3-19-cv-19449)
District Judge: Honorable Michael A. Shipp

Submitted Pursuant to Rule 21, Fed. R. App. P.
November 10, 2021
Before: JORDAN, RESTREPO, and SCIRICA, Circuit Judges

(Opinion filed: December 14, 2021)

OPINION*

PER CURIAM

Carlo Amato petitions for a writ of mandamus directing the District Court to rule on his motion to vacate, correct, or set aside his sentence under 28 U.S.C. § 2255. After Amato filed this petition, the District Court denied the motion by order entered November 30, 2021. Thus, because Amato has received all the relief he requested, his

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

petition is moot and we will dismiss it on that basis. See Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996). Amato’s motion for a refund of his filing fees is denied. See Porter v. Dep’t of Treasury, 564 F.3d 176, 179 (3d Cir. 2009) (“It is of no consequence whether an appeal is voluntarily dismissed, dismissed due to a jurisdictional defect, or dismissed on the merits—appellants are not entitled to the return of their filing and docketing fees.”).